

BUR9-2003-0046-US1

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION**

In Re: Kern et al.
Serial No.: 10/709,315
Filed: April 28, 2004
Title: STOP MOTION IMAGING
DETECTION SYSTEM AND METHOD

Atty. Docket: BUR9-2003-0046-US1
Today's Date: April 28, 2004
Group Art Unit: (not assigned)
Examiner: (not assigned)
Fax: 703-872-9306

**RECEIVED
CENTRAL FAX CENTER**

APR 28 2004

OFFICIAL**PETITION PURSUANT TO 37 C.F.R. § 1.47(a)**

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

This petition is being filed pursuant to 37 C.F.R. 1.47(a) involving a filing where one of the inventors refuses to join other inventors in an application for patent. Mr. Paul A. Manfredi has refused to join in the above-identified application after diligent efforts were made to have Mr. Manfredi execute the declaration and assignment documents.

At the time of invention, Mr. Manfredi was an employee of International Business Machines Corporation (IBM). A copy of the disclosure document (see Exhibit A) created by Mr. Manfredi on January 17, 2003 shows that Mr. Manfredi was an IBM employee at the time of invention and disclosed the invention to IBM. Mr. Manfredi is obligated under his employment agreement with IBM to assign his rights to the invention and to cooperate with IBM in the execution of the documents relating to the acquisition of patent rights.

The facts relating to this refusal are set forth as follows.

Based on my conversations with Carol Mueller, my office assistant, Ms. Mueller

PAGE 3/22 * RCVD AT 4/28/2004 2:46:02 PM [Eastern Daylight Time] * SVR:USPTO-EFAXF-1/2 * DNS:8729306 * CSID:8027698938 * DURATION (mm:ss):04:44

05/06/2004 CQUEEN 00000001 090456 10709315

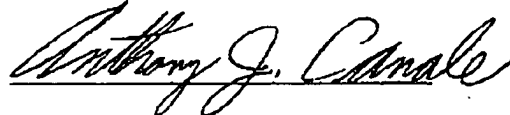
01 FC:1460 130.00 DA

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully Submitted,

For: Kern et al..

By:



Anthony J. Canale
Registration No. 51,526
Agent for Applicants
Phone: (802) 769-8782
Fax: (802) 769-8938
Email: acanale@us.ibm.com

IBM Corporation
Intellectual Property Law - Zip 972E
1000 River Street
Essex Junction, Vermont 05452

BUR9-2003-0046-US1